

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Raul RAMOS RODRIGUEZ

Case No.

Case: 2:22-mj-30536

Assigned To : Unassigned

Assign. Date : 12/19/2022

Description: COMP USA V. RAMOS
RODRIGUEZ (KB)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 7, 2022 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a)

Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about December 7, 2022, at or near Detroit, Michigan, in the Eastern District of Michigan, Southern Division, Raul RAMOS RODRIGUEZ, an alien from Guatemala was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about September 5, 2013 at or near Alexandria, Louisiana and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: December 19, 2022City and state: Detroit, MI


Complainant's signature

Jeremy J. Ferguson

Printed name and title


Judge's signature

David R. Grand, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Jeremy J. Ferguson, being duly deposed and sworn states:

1. I am an Enforcement Officer with the United States Department of Homeland Security (DHS), Customs and Border Protection (CBP). I have been employed with the same for nineteen years. During my career as a law enforcement officer, I have been involved in various investigations and arrests concerning the re-entry of removed aliens and I have received training in this area.
2. The information set forth below is for the limited purpose of establishing probable cause. Therefore, this affidavit does not necessarily contain all the information collected during my investigation.
3. The defendant, Raul RAMOS RODRIGUEZ (a.k.a. Alfredo Lopez-Lopez) is a 48-year-old male native and citizen of Guatemala, who last entered the United States at or near an unknown place, on or about an unknown date, without being admitted, inspected, or paroled into the United States by an immigration officer.
4. On December 7, 2022, RAMOS RODRIGUEZ was encountered by CBP at the Detroit – Windsor Tunnel in Detroit, Michigan when he drove his vehicle into the outbound inspection area located in the travel lanes leading to Canada. RAMOS RODRIGUEZ claimed to be a permanent resident in the United States but stated that he left his permanent resident card, “green card” at home in Detroit. Officer E. Swiney queried RAMOS RODRIGUEZ’s name through law enforcement and immigration databases and found records indicating that he was ordered removed and removed from the United States numerous times in the past. RAMOS RODRIGUEZ was referred to the secondary inspection area.
5. RAMOS RODRIGUEZ’s fingerprints were queried through the Integrated Automated Fingerprint Identification System (IAFIS) and the Automated Fingerprint Identification System (IDENT) which resulted in matches to FBI number XXXXX1XB0 and Fingerprint Identification Number (FIN) XXXXX5422, which correspond to the immigration encounters and criminal convictions noted below.
6. I responded to secondary office and queried RAMOS RODRIGUEZ through the Enforce Alien Removal Module (EARM), an immigration database maintained by the Department of Homeland Security (DHS) which contains information about non-citizens who are removed from the United States and found him to be a match to Alien File XXX XXX 900, as well as the removals noted below.

7. In February 2003, RAMOS RODRIGUEZ was encountered by US Border Patrol in/near Naples, Florida and was issued a Notice to Appear before an immigration judge alleging violation of Section 212(a)(6)(A)(i) of the Immigration and Nationality Act (INA), as amended, in that he appeared to be present in the United States without having been inspected, admitted, or paroled by an immigration officer. On or about February 26, 2003, RAMOS RODRIGUEZ was ordered removed from the United States by the immigration judge at Bradenton, Florida. On or about April 28, 2003, he was removed from the United States to Guatemala via El Paso, Texas.
8. On or about October 11, 2006, RAMOS RODRIGUEZ was encountered by Immigration and Customs Enforcement (ICE) at the Cobb County Detention Facility in Marietta, Georgia and was found to be present in the United States without having been inspected, admitted, or paroled by an immigration officer. ICE Reinstated the Prior (Removal) Order against him pursuant to Section 241(a)(5) of the INA and he was removed from the United States to Guatemala on or about November 16, 2006, via Alexandria, Louisiana.
9. On or about December 14, 2006, RAMOS RODRIGUEZ was encountered by US Border Patrol at or near Douglas, Arizona and was found to be present in the United States without having been inspected, admitted, or paroled by an immigration officer. Border Patrol issued an Expedited Removal Order to him pursuant to Section 235(b)(1) of the INA and he was removed from the United States to Guatemala on or about December 29, 2006, via Chandler, Arizona.
10. On or about March 5, 2008, RAMOS RODRIGUEZ was using the name Alfredo Lopez-Lopez and was encountered at the Cobb County Detention Facility in Marietta, Georgia by 287(g) INA authorized Sheriff Deputies and was found to present in the United States without having been inspected, admitted, or paroled by an immigration officer. On March 17, 2008, he was served with a Reinstatement of the Prior (Removal) Order pursuant to Section 241(a)(5) of the INA as amended and he was removed from the United States to Guatemala on or about April 28, 2008 via Columbus, Georgia.
11. On or about March 28, 2010, RAMOS RODRIGUEZ was encountered at the Cobb County Detention Facility in Marietta, Georgia by 287(g) INA authorized Sheriff Deputies and was found to be present in the United States without having been inspected, admitted, or paroled by an immigration officer. He was served with a Reinstatement of the Prior (Removal) Order pursuant to Section 241(a)(5) of the INA as amended and he was removed from the United States to Guatemala on or about May 12, 2010, via Columbus, Georgia.

12. On or about March 6, 2012, RAMOS RODRIGUEZ was encountered by US Border Patrol at the Dearborn Police Department in Dearborn, Michigan and was found to be present in the United States without having been inspected, admitted, or paroled by an immigration officer. US Border Patrol served him with Reinstatement of the Prior (Removal) Order pursuant to Section 241(a)(5) of the INA as amended and he was removed from the United States to Guatemala on or about April 19, 2012, via Alexandria, Louisiana.
13. On or about April 12, 2013, RAMOS RODRIGUEZ was encountered by ICE at the Macomb County Jail in Mt. Clemens, Michigan and was found to be present in the United States without having been inspected, admitted, or paroled by an immigration officer. ICE served him with Reinstatement of the Prior (Removal) Order pursuant to Section 241(a)(5) of the INA as amended and he was removed from the United States to Guatemala on or about September 5, 2013, via Alexandria, Louisiana.
14. On May 22, 2001, RAMOS RODRIGUEZ was convicted in the Collier County Court in Naples, Florida for the offense of Driving Under the Influence of Alcohol. He was sentenced to probation and fines.
15. On February 13, 2003, RAMOS RODRIGUEZ was convicted in the Collier County Court in Naples, Florida for the offense of Violation of Probation for Driving Under the Influence of Alcohol. He was sentenced to 6 months' probation and fines.
16. On September 11, 2006, RAMOS RODRIGUEZ was convicted in the US District Court for the Southern District of Texas, Laredo Division for the offense of Improper Entry by Alien. He was sentenced to 3 years of probation.
17. On March 19, 2008, RAMOS RODRIGUEZ while using the name Alfredo Lopez-Lopez, was convicted in the Marietta Municipal Court in Marietta, Georgia for the offense of Driving Under the Influence of Alcohol. He was sentenced to 10 days confinement, probation, and fines for that offense.
18. On March 22, 2010, RAMOS RODRIGUEZ was convicted in the Cobb County Superior Court in Marietta, Georgia for the offenses of felony Robbery and Criminal Trespass. He was sentenced to serve 1 year confinement, 2 years of probation, and 12 months of probation for those offenses, respectively.
19. On March 25, 2010, RAMOS RODRIGUEZ was convicted in the Marietta Municipal Court in Marietta, Georgia for the offense of Driving Under the Influence of Alcohol. He was sentenced to 10 months of probation and fines.


20. On August 19, 2013, RAMOS RODRIGUEZ was convicted in the US District Court, Eastern District of Michigan for the offense of Unlawful Re-entry of a Deported Alien. He was sentenced to time-served and a special assessment.
21. I queried RAMOS RODRIGUEZ through the Central Index System (CIS) and Computer Linked Application and Information Management System (CLAIMS). These databases are maintained by DHS and contain information relating to applications for immigration benefits and/or relief. Review of the records for RAMOS RODRIGUEZ and queries in U.S. Department of Homeland Security databases confirm that no record exists of him obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal on September 5, 2013.
22. I queried RAMOS RODRIGUEZ through the Consular Consolidated Database (CCD), a database maintained by the Department of State which contains passport and visa applications and records. I found no record of RAMOS RODRIGUEZ ever having applied for or receiving a U.S. visa of any kind or classification.
23. RAMOS RODRIGUEZ was detained by CBP for processing of Reinstatement of Prior (Removal) Order pursuant to Section 241(a)(5) of the INA as amended.
24. The aforementioned arrest (or apprehension) (and subsequent detention) was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
25. Based on the foregoing, there is probable cause to believe that, on or about December 7, 2022, at or near Detroit, Michigan, in the Eastern District of Michigan, Southern Division, Raul RAMOS RODRIGUEZ, an alien from Guatemala, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about September 5, 2013 at or near Alexandria, Louisiana and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission

thereto; in violation of Title 8, United States Code, Section 1326(a).



Jeremy J. Ferguson
Enforcement Officer
U.S. Customs and Border Protection

Sworn to before me and signed in
my presence and/or by reliable electronic means.



David R. Grand
United States Magistrate Judge

Dated: December 19, 2022